

(1)

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH, JAIPUR

**O R D E R**

S.B. CRIMINAL REVISION PETITION NO. 319/2001

*DINESH CHAND SHARMA & ANR.*

*Vs.*

*STATE OF RAJASTHAN & ANR.*

DATE: 14.03.2007.

**HON'BLE MR. K.S. RATHORE, J.**

Mr. A.K. Choudhary for the petitioners.

Mr. B.S. Chhaba, Public Prosecutor for the State.

\*\*\*\*

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioners against the order dated 03.04.2001 passed by the Additional Civil Judge (Jr. Division) & Judicial Magistrate No.20, Jaipur City, Jaipur in Criminal Case No. 193/99, whereby charges for the offence under Sections 420 and 406 IPC have been framed against the petitioners.

The impugned order has been passed in the year 2001 and the trial of the case is in progress. The petitioners raised several questions that prima-facie case is not made out against the petitioners as petitioner Dinesh Chand Sharma was on L.T.C. at the relevant point of time and was not present in Jaipur.

(2)

Further Dinesh Chand Sharma was the partner of the firm and the respondent No.2 V.M. Jaiswal who is practicing lawyer has given undertaking that he will not indulge in any business and these facts have not been examined by the Court below and has framed charges for the offence under Sections 420 and 406 IPC. Further it is admitted that subsequently in evidence the date which was mentioned by the complainant has been corrected.

Be that as it may, without expressing any opinion on the merits of the case, I deem it proper to remand the matter back to the Court below for fresh adjudication on these aspects and after going through each and every aspect shall pass fresh order of framing charge if prima-facie case is made out against the petitioners.

In view of the aforesaid observations, the impugned order dated 03.04.2001 passed by the Judicial Magistrate No.20, Jaipur City, Jaipur is hereby quashed and set-aside and the matter is remanded back to the Court below for fresh adjudication as indicated herein above.

The revision petition stands disposed of accordingly.

**(K.S. RATHORE), J.**

/KKC/